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May 5, 2011

BY FACSIMILE

The Honorable Elizabeth Stong
United States Bankruptcy Court
271 Cadman Plaza East
Brooklyn, New York 11201

Re: In re Alshamy Realty Inc., Case No. 11-41839

Dear Judge Stong:

I am writing to request a conference in the Alshamy case to obtain clarification regarding the Court's interim order continuing Paul Krohn, as receiver of the Debtor's real property.

The Debtor not in possession contends that as a matter of bankruptcy law, the Receiver lacks authority to collect rent or to take any other action that would involve collecting property of the estate, including without limitation, the Receiver's State Court actions to recover security deposits and to avoid an allegedly fraudulent lease.

Debra Kramer, as Trustee, Paul Krohn, as Receiver and Irving Partners LLC, the mortgagee, understood that the Bankruptcy Court's intention was to permit Mr. Krohn to continue as Receiver with all of the authority granted to him by the Kings County Supreme Court. The aforementioned parties have requested a conference to resolve the issue so that the Receiver can act accordingly.

Attached is correspondence to the Supreme Court by the Receiver and the Debtor not in possession setting forth the respective positions of the parties.

This matter of some urgency to the extent that the Receiver is under a cloud in terms of his authority to operate generally. In addition, I have been told that there is a hearing in the Supreme Court on May 17, 2010 which the Supreme Court has ordered the parties to attend. It would probably be helpful for the parties to and the Supreme Court to clarify the meaning of the Bankruptcy Court's order before that hearing.

Thank you for your attention to this matter.

Respectfully Submitted,

s/Mark Frankel

cc: (By email)
Debra Kramer
Paul Krohn
Meryl Wenig
Jon Lefkowitz
(By facsimile)
Edward Drantivy

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ARTHUR BIRNBAUM
RETIRED JUDGE OF THE
CIVIL COURT OF THE CITY OF NEW YORK
OF COUNSEL

IRA GREENE
OF COUNSEL

May 2, 2011

BY HAND

Honorable Sylvia Hinds-Radix
Supreme Court, Kings County
360 Adams Street
Brooklyn, NY 11201

Re: Irving Avenue Partners v. Alshamy, et al.
Index No. 8296/2010

Honorable Madam,

This Court may recall I represent Paul Krohn, Receiver in the above-referenced action.

The Receiver's pending motions for contempt and to set aside a lease for fraud which were scheduled to be heard on April 29, 2011 were adjourned to May 17, 2011 upon Jon Lefkowitz' representation to the Court that no order had been entered by the Bankruptcy Court permitting the Receiver to proceed.

As evidenced by the Pacer docket sheet enclosed, such representation was false. The Bankruptcy Court (Hon. Stong) endorsed the Order permitting the Receivership to remain in place on the record as a text order. Since Mr. Lefkowitz is Alshamy's bankruptcy counsel he was fully aware that the bankruptcy record was endorsed and no separate order was forthcoming when he advised this Court to the contrary.

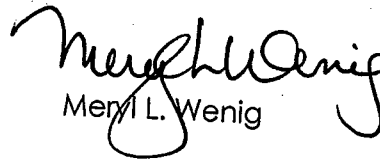
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May 2, 2011

Honorable Sylvia Hinds-Radix

It is respectfully requested that based on counsel's deliberate misrepresentation that this Court accelerate the hearing date. Since further delay continues to prejudice the Receiver.

Respectfully,


Meryl L. Wenig

MLW/rm

cc: Jon Lefkowitz, Esq.
Via Fax (718) 692-0459

Edwin Drantivy, Esq.
Via Fax (718) 375-3756

Michael Bush, Esq.
Via Fax (212) 983-1050

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Judge Hinds-Radix	Jon A. Lefkowitz, Esq.
COMPANY:	DATE:
Brooklyn Supreme Court	5/3/2011
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
718-643-2095	3
RE:	YOUR REFERENCE NUMBER:
Irving Avenue v. Alshamy Realty	Index # 8296/10

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Dear Judge Hinds-Radix:

The accusations of Meryl Wenig merely serve to demonstrate her limited understanding of the bankruptcy case. Everything I said in court is true. When I said there were no orders issued by the Bankruptcy Court yet, that was true at the time I said it on the morning of April 29th. The order concerning the receiver was "entered on 4/29/2011 at 4:03 pm" as can be seen from the following email printout. So at the time I made the statement in court, I had no knowledge of the bankruptcy court order. I only saw it later on the 29th. Second, that order is utterly irrelevant to the proceedings in this court. Whether or not a receiver remains in place has no bearing on the fact that the stay pursuant to 11 USC §362 is STILL IN EFFECT.

Title 11 USC §362 (Automatic Stay) states:

Except as provided in subsection (b) of this section, a petition filed under section 301, 302 or 303 of this title... OPERATES AS A STAY, applicable to ALL ENTITIES, of-

(1) the commencement or CONTINUATION, including the issuance or employment of process of a judicial, administrative or other action or proceeding against the debtor that was or could have been commenced

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before the commencement of the case under this title, or to recover a claim against the debtor that arose before commencement of the case...

Hence, neither the receiver nor plaintiff may try to collect any rent payments or any other money, or seek contempt sanctions, against the debtor. And this stay will still be in effect on 5/17/11. So if we return to court then, we will be in exactly the same position as we were on 4/29/11. And I will have to ask for another adjournment based on the bankruptcy stay. Therefore, please adjourn your next court date to some date AFTER 5/18/11, when there may be a change in the status quo.

Sincerely,


Jon A. Lefkowitz, Esq.

Cc: Einig & Bush (via fax:212-983-1039), Meryl Wenig, Esq. (718-522-0356), Charles Capetnakis, Esq. (212-286-1884), Edwin Drantivy, Esq. (via email)

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Ch-7 1-11-41839-ess Hearing Held and Adjourned (Docur AP) -Alshamy Realty, In [Inbox](#) X

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date **Fri, Apr 29, 2011 at 4:10 PM**
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U.S. Bankruptcy Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was received from [sej](#) entered on 04/29/2011 at 4:03 PM 04/28/2011

Case Name: [Alshamy Realty, Inc.](#)

Case Number: [1-11-41839-ess](#)

Document Number:

Docket Text:

Hearing Held and Adjourned; (related document(s): [11] Motion for Relief From Stay by Debtor - Appearance by Trustee - Appearance by Debtor's President - Appearance On interim basis and with consent of Trustee, Receivers shall remain in place and be obligations under Bankruptcy Code Section 543 (b) (1) IT IS SO ORDERED BY s/E Stong. Endorsed on Calendar dated 4/28/11. (This is a text Order, no document is : Hearing scheduled for 05/18/2011 at 03:00 PM at Courtroom 3585 (Judge Stong), (sjackson)

The following document(s) are associated with this transaction:

1-11-41839-ess Notice will be electronically mailed to:

Mark A Frankel on behalf of Creditor Irving Partners, LLC
[mfrankel@bfklaw.com](#), [mark_frankel@yahoo.com](#)

Debra Kramer
[dkramer@kramerpllc.com](#), [ny73@ecfbis.com](#)